

## REMARKS/ARGUMENTS

The applicants have studied the office action mailed January 11, 2008, and have made the changes believed appropriate to place the application in condition for allowance.

Reconsideration and reexamination are respectfully requested.

The information disclosure statement filed November 20, 2003 has been objected to. Submitted concurrently herewith is an information disclosure statement which is believed to be in compliance with the rules.

In this Amendment, Applicants have cancelled non-method claims 12-30 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 12-30 prior to this Amendment is not patentable over the art cited by the Examiner. Claims 12-30 were cancelled in this Amendment solely to facilitate expeditious prosecution of the pending claims. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by claims 12-30, as presented prior to this Amendment and additional claims in one or more continuing applications.

Claims 12-22 have been rejected as directed to non-statutory subject matter. As set forth above, these claims have been cancelled. It is therefore respectfully submitted that the rejection is moot.

Claims 1, 12, and 23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Schober (US 7,237,016) in view of DeKoning et al. (hereinafter DeKoning) (US 6,457,098). Claims 2-7, 9-10, 13-18, 20-21, and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schober in view of DeKoning, and further in view of Ben-Shachar et al. (hereinafter Ben- Schachar) (US 2001/0010053). These rejections are respectfully traversed.

Claim 1 is directed to a “method comprising: attempting in a first attempt to acquire a first resource for a task requiring both a first resource and a second resource; enqueueing said task on a first queue if said first attempt to acquire said first resource for said task fails; acquiring in a second attempt said first resource for said task; removing said task from said first queue; attempting in a first attempt to acquire said second resource for said task; enqueueing said task on a second queue if said first attempt to acquire said second resource for said task fails; and releasing said first resource for said task if said first attempt to acquire said second resource for said task fails.” The Examiner has conceded that “Schober is silent in acquiring in a second attempt said

first resource for said task and releasing said first resource for said task if said first attempt to acquire said second resource for said task fails.” It is respectfully submitted that the deficiencies of the Examiner’s citations to the Schober reference are not met by the Examiner’s citations to the DeKoning reference.

It appears to be the Examiner’s position that the DeKoning reference teaching a system having a first controller 118.1 which the Examiner has identified as a “first resource”, wherein the system has a second controller 118.2 which the Examiner has identified as a “second resource.” It is further the Examiner’s position that “[i]f the first resource [that is the primary controller 118.1] is successfully acquired but the second resource [that is the secondary controller 118.2] has failed, the first resource [that is the primary controller 118.1] performs the release [of the primary controller 118.1] and the system can start over again with another attempt until the first resource [that is the primary controller 118.1] is successfully acquired, followed by successfully acquiring the second resource [that is the secondary controller 118.2].” It is respectfully submitted that the Examiner’s position fails to provide a *prima facie* case of obviousness.

More specifically, the Examiner has failed to explain what is meant by the primary controller 118.1 being “successfully acquired.” Acquired by what and for what purpose? The Examiner has failed to explain what is meant by the primary controller 118.1 releasing *itself*. The Examiner has failed to explain what is meant by the secondary controller 118.2 being “successfully acquired.” Again, acquired by what and for what purpose?

It is respectfully submitted that the deficiencies of the Examiner’s citations to the Schober and DeKoning references are not met by the Examiner’s citations to the Ben- Schachar reference.

The rejection of the dependent claims is improper for the reasons given above. Moreover, the dependent claims include additional limitations, which in combination with the base and intervening claims from which they depend provide still further grounds of patentability over the cited art. It is therefore respectfully submitted that the rejection of the claims should be withdrawn.

The applicants gratefully acknowledge the Examiner’s indication of allowability of certain dependent claims. However, it is believed that the claims are allowable for the reasons set forth above.

The Examiner has made various comments concerning the obviousness of certain features of the present inventions. Applicants respectfully disagree. Applicants have addressed those comments directly hereinabove or the Examiner's comments are deemed moot in view of the above response.

#### Conclusion

For all the above reasons, Applicant submits that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 09-0449.

The attorney of record invites the Examiner to contact him at (310) 553-7970 if the Examiner believes such contact would advance the prosecution of the case.

Dated: April 11, 2008

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